

**ENTERED**

September 14, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

MICHAEL K. TOMEK

Plaintiff,

VS.

STP NUCLEAR OPERATING CO.

Defendant.

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CIVIL ACTION NO. 3:17-CV-00340

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

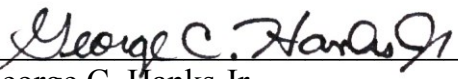
Pending before the Court are Michael K. Tomek's Objections to Memorandum and Recommendation. Dkt. 23. On August 7, 2018, this case was referred to Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1). On August 28, 2018, Judge Edison filed a Memorandum and Recommendation recommending that Defendant STP Nuclear Operating Company's Motion for Summary Judgment Based on Preemption (Dkt. 16) be **GRANTED**.

On September 11, 2018, Plaintiff filed his Objections. In accordance with 28 U.S.C. § 636(b)(1)(c), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings and summary judgment record; and the briefing and arguments of the parties. The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) The Plaintiff's Objections to Magistrate Judge's Memorandum and Recommendation are **OVERRULED**;
- (2) Defendant STP Nuclear Operating Company's Motion for Summary Judgment Based on Preemption (Dkt. 16) be **GRANTED**; and
- (3) This case is **DISMISSED**

SIGNED at Galveston, Texas, this 14th day of September, 2018.

  
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George C. Hanks Jr.  
United States District Judge